

ORIGINAL

FILED

October 15 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0499

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID W. GUNDERSON,

Defendant and Appellant.

FILED

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW Taryn Stampfl Hart, counsel for Appellant, and respectfully requests until November 23, 2009, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 15th day of October, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: 

Taryn Stampfl Hart
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Taryn Stampfl Hart, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office as an Assistant Appellate Defender.

2. In that capacity, I have been assigned to handle the above-entitled matter.

3. The Appellant's opening brief is currently due October 21, 2009. This is the Appellant's fifth extension request.

4. Counsel has numerous other appellate briefs that counsel must work on concurrently with the present matter.

5. In light of the complexity of the present case, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely matter.

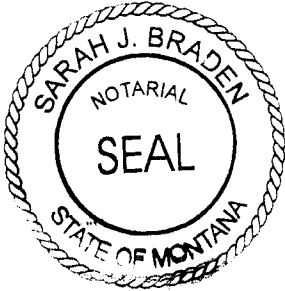
6. Counsel will work diligently to complete the matter in the time requested.

7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

TARYN STAMPFL HART

SUBSCRIBED AND SWORN to before me this 14th day of October,
2009.



Sarah J. Braden
Sarah J. Braden

Notary Public for the State of Montana

Residing at Helena

My commission expires 1/25/2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

DENNIS PAXINOS
Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

DAVID W. GUNDERSON 11820
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: October 15, 2009

[Signature]